

## OPINION 695

**PNOEPTYGA HODGSON, 1844 (AVES): VALIDATED UNDER THE PLENARY POWERS**

**RULING.**—(1) Under the plenary powers the generic name *Microua* Gould, 1837, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The generic name *Pnoeptyga* Hodgson, 1844 (gender : feminine), type-species, by designation by Sharpe, 1881, *Tesia albiventer* Hodgson, 1844, is hereby placed on the Official List of Generic Names in Zoology with the Name No. 1580.

(3) The specific name *albiventer* Hodgson, 1837, as published in the binomen *Tesia albiventer* (type-species of *Pnoeptyga* Hodgson, 1844) is hereby placed on the Official List of Specific Names in Zoology with the Name No. 1961.

(4) The generic name *Microua* Gould, 1837 (as suppressed under the plenary powers in (1) above) is hereby placed on the Official Index of Rejected and Invalid Generic Names in Zoology with the Name No. 1677.

**HISTORY OF THE CASE (Z.N.(S.) 1457)**

The present case was submitted to the office of the Commission by Professor Ernst Mayr in April 1960. Professor Mayr's application was sent to the printer on 8 December 1960 and was published on 16 June 1961 in *Bull. zool. Nomencl.* **18** : 209-210. Public Notice of the possible use of the plenary powers in the present case was given in the same part of the *Bulletin* as well as to the other prescribed serial publications (*Bull. zool. Nomencl.* **4** : 51-56) and to twelve ornithological serials. The proposals were supported by Miss B. P. Hall, Dr. B. Biswas (*Bull. zool. Nomencl.* **19** : 68) and Dr. C. Vaurie. Objections were received from Dr. S. Dillon Ripley, Dr. Salim Ali (*Bull. zool. Nomencl.* **19** : 2), Dr. K. C. Parkes (*Bull. zool. Nomencl.* **19** : 68) and Dr. A. L. Rand (*Bull. zool. Nomencl.* **19** : 131). Professor Mayr's reply to these objections was circulated to Commissioners with Voting Paper (63)16 and was published in *Bull. zool. Nomencl.* **20** : 16.

**DECISION OF THE COMMISSION**

On 5 March 1963 the Members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (63)16 either for or against the proposals set out in *Bull. zool. Nomencl.* **18** : 210. At the close of the prescribed voting period on 5 June 1963 the state of the voting was as follows:

Affirmative votes—twenty (20), received in the following order: China, Mayr, Hering, Hemming, Vokes, Munroe, Lemche, Binder, Stoll, Obruchev, Key, Alvarado, Brinck, Boschma, do Amaral, Riley, Borchsenius, Tortonese, Bonnet, Kühnelt.

Negative votes—two (2): Holthuis, Mertens.

On Leave of Absence—two (2): Bradley, Prantl.

Voting Papers not returned—two (2): Evans, Jaczewski.

Commissioner Miller returned a late negative vote and Commissioner Uchida

abstained from voting. The following comments were made by Commissioners in returning their Voting Papers:

*Dr. L. B. Holthuis* (11.iii.63): Considering that the name *Microura* (1) was not a nomen oblitum in the sense of the Code (it had been used but not accepted in the fifty years before the publication of the application), (2) is the nomenclaturally correct name for the genus in question, (3) is used in several modern standard works, the use of the plenary powers to suppress it seems to be unjustified in my opinion, the more so as the species of this genus have no importance in applied biology and are practically known only to systematists.

*Mr. Francis Hemming* (12.iii.63): I find Professor Mayr's rejoinder extremely cogent. The argument in his para. (6) is of particular importance for, as he says, the disregard of it would land us back in the pre-revised Code era of nomenclatural instability.

#### ORIGINAL REFERENCES

The following are the original references for names placed on the Official Lists and Indexes by the Ruling given in the present Opinion:

*albiventer*, *Tesia*, Hodgson, 1837, *J. asiat. Soc. Bengal* 6 : 102

*Microura* Gould, 1837, *Icones Avium* (1) : expl. to pl. 5

*Phoebe* Hodgson, 1844, *Zool. Misc.* : 82.

The following is the original reference for the designation of a type-species for a nominal genus concerned in the present Ruling:

For *Phoebe* Hodgson, 1844 : Sharpe, 1881, *Cat. Birds Brit. Mus.* 6 : 31

#### CERTIFICATE

I certify that the votes cast on Voting Paper (63)16 were cast as set out above, that the proposal set out in that Voting Paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission, is truly recorded in the present Opinion No. 695.

W. E. CHINA

Acting Secretary

International Commission on Zoological Nomenclature

12 June 1963